

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)

ROBERTO CLAROS et al.,

*Plaintiffs,*

v.

SWEET HOME IMPROVEMENTS, INC.,  
et al.,

*Defendants*

**Case No:** 1:16-cv-344-AJT-MSN

**Declaration of Nicholas Marritz, Esq.**

1. My name is Nicholas Cooper Marritz (VSB No. 89795). I am over 18 years of age and competent to make this declaration.
2. I am a staff attorney with the Immigrant Advocacy Program at the Legal Aid Justice Center (LAJC). I am a 2011 graduate of the University of Washington School of Law. I have been admitted to practice law in California since June 2012 and in Virginia since January 2016 (when I was also admitted to practice before this Court).
3. As a staff attorney with LAJC, a large part of my docket consists of plaintiff-side litigation under the Fair Labor Standards Act, in both state and federal court.
4. I am fluent in both English and Spanish and communicate with Plaintiffs exclusively in Spanish.

5. Prior to joining LAJC, I served as a staff attorney with Farmworker Justice in Washington, D.C., representing low-wage immigrant farmworkers in federal courts across the country, including in the following cases involving the Fair Labor Standards Act:
  - *Villalobos v. Calandri Sunrise Farms LP*, 2:12-cv-2615 (C.D. Cal.)
  - *Smith v. Bulls-Hit Ranch & Farm*, 3:12-cv-449 (M.D. Fla.)
  - *Jimenez v. GLK Foods, LLC*, 1:12-cv-209 (E.D. Wis.) and *Ramirez v. GLK Foods, LLC*, 1:12-cv-210 (E.D. Wis.)
  - *Ruiz v. Fernandez*, 2:11-cv-3088 (E.D. Wash.) (not counsel of record)
6. I am counsel of record in one other FLSA case currently pending before the Eastern District of Virginia: *Rivas v. Saldivar & Assoc's, Inc.*, No. 1:16-cv-343-LMB-JFA.
7. I am seeking a rate of \$320 per hour, which is the rate that the Court has already approved for my time in this case. (Dkt. #33). Judge Ellis recently approved the same rate for me in another recent FLSA case before this court, *Avila Flores v. Rababeh*, No. 1:15-cv-1415-TSE-TCB. (June 15, 2016, Dkt. No. 30 at 18) (magistrate's report and recommendation); (July 13, 2016, Dkt. No. 31) (adopting magistrate's report and recommendation).
8. According to my time records, which I entered contemporaneously into our case-management software, JusticeServer, I spent a total of 17.9 hours on matters relating to the drafting of the complaint, as well as my meetings and telephone calls with the Settling Plaintiffs.<sup>1</sup> In the exercise of billing discretion, I then eliminated various time entries, including and all time entries related to planning case strategy and supervision with my co-counsel Simon Sandoval-Moshenberg. I have also eliminated or reduced various other time entries in this case.

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<sup>1</sup> At this time, Plaintiffs are seeking attorney's fees for the drafting of the complaint and the fact-gathering communications with the Settling Plaintiffs *only*. The remaining Plaintiffs will also seek their attorney's fees at an appropriate time.

9. After making a good-faith evaluation of all recorded hours of I work performed in relation to the discovery disputes in this case, the chart accompanying this declaration lists only those time entries that I believe to have been fair and reasonably necessary.
10. Accordingly, I am seeking a fee award of 11.25 hours, or a little more than 62% of the total time I spent on the complaint and Settling Plaintiff meetings in this case.  $11.25 \text{ hours} \times \$320/\text{hour} = \underline{\$3,600}$  in fees.
11. Plaintiffs have incurred over \$436 in costs: \$400 paid to the Court for the filing fee, and \$36 paid to the Fairfax County Sheriff's Office for service of the complaint. Defendants have agreed in settlement to pay the Settling Plaintiffs' share (one-half) of these costs, or \$218.<sup>2</sup>
12. I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

By: /s/Nicholas Cooper Marritz  
Nicholas Cooper Marritz (VSB No. 89795)  
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*Counsel for Plaintiff*

Date: August 25, 2016

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<sup>2</sup> The settlement does not include the costs related to Plaintiffs' 30(b)(6) deposition of Sweet Home Improvements, namely the court reporter and Korean-language interpreter. The remaining Plaintiffs will seek these costs at an appropriate time.

## Adjusted Time Entries of Nicholas Marritz

*Claros et al. v. Saldivar & Assoc's, Inc. et al.* (E.D. Va.)

(Adjusted for billing discretion)

<b>Date</b>	<b>Activity</b>	<b>Time</b>
12/9/2015	Background research on defendants	0.9
12/21/2015	Intake interview of Lopez and Zamorano	1.5
1/29/2016	Phone call with Lopez	0.1
1/29/2016	Phone call with Zamorano	0.1
2/22/2016	Drafting complaint	1.2
2/25/2016	Drafting complaint	0.5
3/13/2016	Drafting complaint	2.25
3/17/2016	Drafting complaint	2.4
3/17/2016	Phone call with Zamorano	0.1
3/21/2016	Phone call with Lopez	0.1
3/21/2016	Phone call with Zamorano	0.1
3/28/2016	Intake interview of Herrera	1.4
3/29/2016	Drafting complaint	0.6